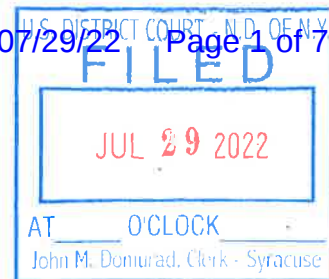


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK



Plaintiff(s), Leon Graham

v.

Defendant(s).

Sgt. Eric Clark  
Jacob Proctor  
C.O. Connor Johnson  
Jeffrey Kemp  
Lingo

**COMPLAINT**  
(Pro Se Prisoner)

Case No. 9:22-cv-802  
(Assigned by Clerk's  
Office upon filing)

**Jury Demand**

- ☒ Yes  
☐ No

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore **not** contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include **only** the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

**I. LEGAL BASIS FOR COMPLAINT**

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)  
☐ *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)  
(federal defendants)  
☐ Other (please specify) \_\_\_\_\_

## II. PLAINTIFF(S) INFORMATION

Name: Leon Graham  
 Prisoner ID #: 21B0002  
 Place of detention: Groveland Correctional Facility  
 Address: P.O. Box 50  
Sonvea, New York 14556-0050

Indicate your confinement status when the alleged wrongdoing occurred:

- ☒ Pretrial detainee  
☐ Civilly committed detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☐ Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

\_\_\_\_\_

If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

## III. DEFENDANT(S) INFORMATION

Defendant No. 1: Clark, Eric  
 Name (Last, First)  
Sergeant  
 Job Title  
54 Greenbush St.  
 Work Address  
Cortland NY 13045  
 City State Zip Code

Defendant No. 2: Proctor, Jacob  
 Name (Last, First)  
Correctional Officer  
 Job Title

54 Greenbush St.

Work Address

Cortland

NY

13045

City

State

Zip Code

Defendant No. 3:

Johnson, Connor

Name (Last, First)

Correctional Officer

Job Title

54 Greenbush St

Work Address

Cortland

NY

13045

City

State

Zip Code

Defendant No. 4:

Kemp, Jeffery

Name (Last, First)

Correctional Officer

Job Title

54 Greenbush St

Work Address

Cortland

NY

13045

City

State

Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

#### IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

• After putting grievances out several times in Cortland County Jail, and written letters to the Captain of the jail named Nick Lynch. My grievances was investigated by Tyler Burhans who is the grievances coordinator.

• Robert J. Derkens was suppose to had done an Investigation for C.R.C.P.C. that is located in Albany. He told me that he was waiting on the video footages of my assaults that happened Jan. 28, 2020 and March 17, 2020. Both dates I recieved injuries that been documented.

• On Jan. 28, 2020, Sgt. Eric Clark ordered an illegal body search, after being taken from my cell in 2-up in handcuffs. To downstairs in housing unit A-Block, during 2nd shift around 5:30pm to 6:30pm. Once inside 5-Down cell, which is inhabital condicions with no heat.

• Sgt. Eric Clark, Jacob Proctor, C.O.'s Connor Johnson, Jeffery Kemp and C.O. Lingo surrounded me and told me to take off my clothes with no reasons on to why I must undress.

After letting know I wouldn't participate in any homosexual activities. The officers angry rushed me and said "then will take it off of you." C.O.'s Kemp and Johnson forcefully threw me down onto the metal caught. While bracing my fall, C.O. Johnson jumps over my body while C.O. Kemp twisted my arm arkworship. C.O. Johnson jump landing on my hand. Breaking my right ring finger.



- C.O. Jacob Proctor pushed down on my left leg in opposite position, causing severe pain and swollen under left knee cap.
- Then Sgt. Clark and C.O. Lingo was brutally stripping me of my clothing while behind me I could hear them discussing opening my "cheeks" (buttocks).
- Then Sgt. Eric Clark pushed violently on my back causing my right side ribs to be injured from the metal beam on the caught. He holds me there and demands every other C.O.'s out. Then he runs out and close the cell door. Taunting me calling me an "Zero", hold his fingers together to make the number.
- Then they all laugh and celebrate going up the stairs. I was left in my cell naked with no medical attention.
- I believed this all stimulate from the previous grievances I've filed at Cortland County Jail.

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

On Jan. 28, 2020, Sgt Clark order an illegal body search. C.O.'s Jacob Proctor, Connor Johnson, Kemp and a few others. Assaulted me and awkwardly threw me on the metal beam without an bed mattress. C.O. Connor Johnson jump over me and step on my right ring finger, breaking it. While C.O. Kemp twisted my right arm. Then C.O. Jacob Proctor while brutally stripping me of my clothing. Awkwardly push down on my left leg where I'd recieved surgery, in opposite position causing swollen under left knee cap. I was left in my cell without medical attention. Few days later I was taken to Cortland's local hospital for X-ray and MRI showing broken right ring finger, bruises to right ribcage and swollen under left knee cap. I was giving only an ice pack and finger wrap from the county jail. I still suffer from trauma and pain to date. I need surgery for broken finger.

#### V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

**FIRST CLAIM**

Excessive force  
8<sup>th</sup> Amendment cruel and unusual punishment - Defendant  
used force maliciously, for the purpose of hurting me.

**SECOND CLAIM**

Retaliation for the exercise of a first Amendment right  
I was targeted after I filed grievances

**THIRD CLAIM**

Unconstitutional conditions of confinement  
8<sup>th</sup> Amendment cruel and unusual punishment

**VI. RELIEF REQUESTED**

State briefly what relief you are seeking in this case.

In connection with each individual compensatory is requested  
Also an jury trial. Damage for \$1,000,000 from each defendant is  
required

I declare under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_



Plaintiff's signature  
(All plaintiffs must sign the complaint)